

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

COPPERAS COVE ECONOMIC
DEVELOPMENT CORPORATION

v.

GREAT AMERICAN INSURANCE
COMPANY OF NEW YORK

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CIVIL ACTION NO. 6:17-cv-00160

DEFENDANT GREAT AMERICAN INSURANCE COMPANY OF NEW YORK'S
NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF THIS COURT:

Great American Insurance Company of New York (hereinafter "Great American"), Defendant in the above styled and numbered cause, files this, its Notice of Removal, and would show the Court as follows:

1. Great American Insurance Company of New York has been sued in a civil action styled Cause No. DC-17-46261; *Copperas Cove Economic Development Corporation v. Great American Insurance Company of New York*; in the 440th District Court in Coryell County, Texas (hereafter referred to as "the state court action"). The original petition in the state court action was filed May 12, 2017. On May 26, 2017, Great American received citation and a copy of the petition, and it was determined that diversity jurisdiction was proper, pursuant to 28 U.S.C. §1332.

2. Great American files this notice of removal pursuant to the provisions of 28 U.S.C. §1441, *et. seq.*, to remove this action from the District Court of Coryell County, Texas to the United States District Court for the Western District of Texas, Waco Division.

3. Plaintiff, in its original petition, alleges that Great American wrongfully denied or delayed payment for claims for wind/hail damage to the structure insured by Great American,

thereby breaching the policy of insurance issued by Great American to Plaintiff. Plaintiff further alleges that Great American's actions in investigating and delaying or denying Plaintiff's claim for insurance benefits constituted a violation of the common law duty of good faith and fair dealing.

4. This Court has original jurisdiction over this civil action under the provisions of 28 U.S.C. §1332. Plaintiff, by nature of its citizenship and of its principal place of business, is a citizen of the state of Texas. Defendant, Great American, by nature of its incorporation and of its principal place of business, is a citizen of the states of Ohio. The amount in controversy, as plead by Plaintiff, is in excess of \$75,000, exclusive of interest and costs.

5 Venue is proper in Waco Division of the Western District of Texas because the insured property is located in Copperas Cove, Coryell County, Texas, which is the location where the facts giving rise to this suit took place.

6. In accordance with 28 U.S.C. § 1446 (a), the following are attached hereto:

- Exhibit A: Index of Matters Being Filed;
- Exhibit B: A copy of the Citation as to Great American Insurance Company of New York;
- Exhibit C: Plaintiff's Original Petition;
- Exhibit D: Defendant Great American Insurance Company of New York's Original Answer;
- Exhibit E: The state court's Docket Sheet;
- Exhibit F: List of all Parties and Counsel of record; and
- Exhibit G: Defendant Great American Insurance Company of New York's Consent to Removal of Case to Federal Court.

7. The citation and petition in this action were served on Great American on May 26, 2017 by serving its registered agent: CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201. This notice of removal is filed within 30 days of receipt of the petition and is timely filed under 28 U.S.C. § 1446(b). Furthermore, this notice of removal is being filed within one year of the date this action commenced.

8. In accordance with 28 U.S.C. §1446(d), written notice of the filing of this notice of removal will be promptly served upon all adverse parties, and a copy of this notice of removal promptly will be filed with the Clerk of the District Court of Coryell County, Texas.

Defendant Great American Insurance Company of New York respectfully requests that this action be removed to this Court and that this Court accept jurisdiction of this action and place this action on the docket of this Court for further proceedings as though the action originally had been instituted in this Court.

Respectfully submitted,

GAUNTT, KOEN, BINNEY & KIDD, LLP



By: _____

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Counsel for Defendant,

Great American Insurance Company of New York

CERTIFICATE OF SERVICE

This pleading was served in compliance with Rule 5 Federal Rules of Civil Procedure on June 16, 2017, via facsimile, first class regular mail, certified mail, return receipt requested and/or electronically.

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